

SEP 06 2005

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark Office,
Fax No. 1-571-273-8300 on September 6, 2005.

TOWNSEND and TOWNSEND and CREW LLP

By: 

Lois M. Simon

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE -
EXAMINING GROUP 1641

Docket No.: 014058-012840US
Client Ref. No.: 135 C4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID A. JOHNSON ET AL.

Application No.: 10/043,086

Filed: January 8, 2002

For: AMINOALKYL
GLUCOSAMINIDE PHOSPHATE
COMPOUNDS AND THEIR USE AS
ADJUVANTS AND
IMMUNOEFFECTORS

Examiner: Emily Le

Art Unit: 1648

SUBMISSION OF TERMINAL
DISCLAIMER UNDER 37 CFR 1.116
EXPEDITED PROCEDURE -
EXAMINING GROUP 1641

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is in response to the Interview Summary of August 31, 2005 in the
above Application.

Applicants do not concur that the claims in this Application are
necessarily rendered obvious by the claims in the cited patent. For example, US patent
6,113,918 discloses a series of compounds of the same general type as those claimed
herein. However, the compounds in that patent are limited to those having 7-16 carbon
atoms in the secondary acyl chain, whereas certain claims in this application call for
those chains to have 6 carbon atoms (claim 57, for example, calls for all three of such
chains to have 6 carbon atoms). Applicants submit that those skilled in the art would

Application No.: 10/043,086
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1641

PATENT

understand that in disclosing compounds having 7-16 carbon atom chains, the inventors of the '918 patent would have disclosed all of the compounds of their type that were expected to have the disclosed utility, and that compounds outside that range would not have been expected to possess such utility, or indeed, any utility.

Applicants also submit that there is no disclosure in the claims of the cited patents that compounds should have combinations of 6- and 10-carbon secondary acyl chains.

However, in order to expedite issuance of a patent in this Application, Applicants submit herewith a Terminal Disclaimer with respect to all three patents mentioned in the Interview Summary.

In view of the foregoing, Applicants submit that the claims in this Application are allowable and request early issuance of a Notice of Allowance...

If the Examiner believes a further telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JA:ja

60580002 v1